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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 10.20 a.m.

Agenda item 70: Promotion and protection of human rights (A/62/36, 369 and 464)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286, 287, 288, 289, 293, 298, 304, 317; and A/C.3/62/3)

(c) Human rights situation and reports of special rapporteurs and representatives (A/62/213, 223, 263, 264, 275, 313, 318, 354 and 498)

(e) Convention on the Rights of Persons with Disabilities (A/62/230)

1. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the Human Rights Council had made considerable strides in its first year, focusing mainly on institution-building in order to equip itself with the procedures and mechanisms that it needed to fulfil its mandate. The Office of the High Commissioner for Human Rights (OHCHR) had assisted the Council with that process. Its most innovative feature was the universal periodic review (UPR), a mechanism through which the Council would progressively review the human rights record of all Member States on the criteria of fairness and transparency. The Council had reached an agreement on the review framework and had responded positively to requests for a broadening of the sources of information upon which the review would be based. The inclusion of a wide range of interlocutors was indispensable to ensuring reliable review outcomes. OHCHR would also assist in the review by compiling information from United Nations agencies and other relevant stakeholders. Implementing the UPR recommendations, fundamentally the responsibility of each State, was a challenge that would require a significant commitment of good will, resources and active cooperation. However, dedicated financial support was crucial in helping many developed countries meet their UPR requirements. The credibility of the United Nations human rights system hinged to a great extent upon satisfactory implementation of the universal periodic review.

2. The Council had held special sessions in reaction to the situations in the Middle East, the Sudan (Darfur) and Myanmar. OHCHR had actively supported efforts to implement the resolutions adopted during the Council's special sessions, regular sessions and day-to-day operations. To that end, the Office's Rapid Reaction Unit had provided assistance in the planning, design and work of the High-Level Fact-Finding Mission to Beit Hanoun and of the United Nations Expert Group on Darfur. Crucially, the Council had reaffirmed the importance of the independence of mandate holders, and had decided to convene a group composed of seven mandate holders to ensure the effective follow-up to existing resolutions and recommendations on Darfur. It had also established a new mandate on contemporary forms of slavery. She had encouraged the Council to use its review of the special procedures mandates to identify and close protection gaps and to urge States to increase cooperation with special procedures.

3. The Human Rights Council had filled serious normative gaps by adopting new human rights instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities. The Office would also support the new Committee on the Rights of Persons with Disabilities and also commended the Council's adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Council was henceforth expected to devote its undivided attention to the many human rights situations that demanded attention. In that regard she stressed that the frequency of its meetings would further facilitate that work and put human rights abusers on notice that situations of concern were under ongoing scrutiny.

4. Initiatives stemming from the Office's 2005 Plan of Action and 2006-2007 Strategic Management Plan included its Rapid Reaction Unit, the most recent innovation in its country engagement, as well as the 2007 opening of a country office in Bolivia and a regional office for Central America. The OHCHR Togo office had been very active in combating impunity and had gained the trust of national and international interlocutors and partners. Further, progress had been made in the establishment of regional offices for West Africa in Senegal and for Central Asia in Kyrgyzstan, and she hoped that both offices would be operational by the end of 2007. Since last addressing the Committee, she had conducted several country visits, which were a means of strengthening country engagement. Human rights mainstreaming within the

United Nations was also on the Office's agenda. Human rights advisers had been deployed to a number of countries in 2007, at the request of resident coordinators and United Nations country teams. Further, OHCHR had contributed policy directives to the Department of Peacekeeping Operations in support of the human rights components of 17 peace missions.

5. The struggle against racism, racial discrimination, xenophobia and related intolerance were central to the Office's work, as was the effective implementation of the Durban Declaration and Programme of Action. OHCHR continued to support the mechanisms established in the follow-up to the World Conference against Racism. At the Non-Aligned Movement Ministerial Meeting on Human Rights and Cultural Diversity in the Islamic Republic of Iran, she had pointed out that failure to understand or accommodate diversity inevitably led to an erosion of rights. Universal human rights norms and standards could best provide guidance for managing and protecting diversity. Discrimination resulting from the exploitation of cultural identities in order to marginalize certain groups was often intertwined with poverty, which, in turn, led to and resulted from the deprivation of civil and political rights. With this in mind, she had made poverty and human rights the theme for Human Rights Day in 2006.

6. Given the impact of economic policies on human rights, human rights should be taken into account in macroeconomic policymaking processes. Thus, OHCHR continued to strengthen its capacity in the areas of the right to development, the Millennium Development Goals and economic, social and cultural rights more broadly. The Office promoted the inclusion of a human rights approach into poverty reduction, development strategies and corporate social responsibility practices. OHCHR had also been working with several Governments to bring to justice the perpetrators of gross violations of human rights and humanitarian law, which remained pervasive. States had a duty to investigate reports of such violations. Through its presence in the field, the Office was working with several Governments to encourage proper accountability.

7. She had embarked on initiatives to address the issue of the high number of individuals incarcerated without adequate judicial review of their detention. Further, OHCHR had established a Women's Human Rights and Gender Unit to ensure that a gender perspective was reflected in all its programmes and in the programming of all United Nations entities and of the human rights machinery as a whole. Lastly, the Office was committed to deepening and rationalizing its rule of law work. It had developed 10 rule of law tools for conflict and post-conflict States to assist policymakers, United Nations actors and civil society groups in tackling difficult issues arising from deadly conflict.

8. **Mr. Salgueiro** (Portugal) reaffirmed his delegation's strong support for OHCHR and welcomed the fact that the Human Rights Council had begun the process of review, rationalization and improvement of mandates. He wondered what role human rights advisers deployed in country teams had in the mainstreaming of United Nations human rights work at the country level and also requested an update on Ms. Arbour's country visits since her report had been issued, as well as on plans for future missions.

9. **Mr. Lukiyantsev** (Russian Federation) asked how Ms. Arbour viewed the division of labour between the Human Rights Council and the Third Committee and how duplication of effort might be avoided. He also wondered what further steps OHCHR intended to take on the issue of reform of treaty bodies and enquired how the long-standing issue of the geographic imbalance in recruitment for work in OHCHR would be addressed.

10. **Mr. Makanga** (Gabon) expressed his concern about the Subregional Centre for Human Rights and Democracy in Central Africa and wondered what had been done to implement General Assembly resolution 61/158, which called upon the Secretary-General and OHCHR to provide additional funds and human resources to the Centre.

11. **Mr. Saeed** (Sudan) inquired about the underrepresentation of certain regional groups in OHCHR, in light of the adoption the previous year of General Assembly and Third Committee resolutions that addressed the issue. He also requested an update on her efforts to place economic, social and cultural rights on an equal footing with civil and political rights, which already had detailed mechanisms and mandates, unlike the former category.

12. **Mr. Vigny** (Switzerland) said that his delegation had welcomed Ms. Arbour's visit to Sri Lanka at the previous session of the Human Rights Council session

and inquired whether it would be possible for her to share her conclusions on the visit with the Committee.

13. **Mr. Vandeville** (France) said that his delegation endorsed Portugal's question to Ms. Arbour and provided additional information on the existing legal vacuum in certain areas of international law. The International Convention for the Protection of All Persons from Enforced Disappearance, which had opened for signature in February 2007, to date had 71 signatures. He issued an appeal for immediate ratification and subsequent establishment of a committee on enforced disappearance, an essential tool in protecting human rights.

14. **Ms. Zhang** Dan (China) said that the imbalance in geographical distribution among OHCHR staff remained unresolved and called for increased representation of developing countries and different regions. It was hoped that OHCHR would exercise objectivity and fairness in compiling information for the universal periodic review. Further, as OHCHR had increased its activities in various fields, she called for OHCHR to brief Member States regularly on its use of financial resources and progress made. Also, the Human Rights Council should give greater policy guidance to the Office's operational work. Lastly, OHCHR should give equal importance to civil and political rights and to economic, social and cultural rights.

15. **Mr. Bollavaram** (India) wondered what efforts were being made to improve working methods and asked for more information on the proposed unified treaty body system. With regard to the division of labour between the Third Committee and the Human Rights Council, he noted that the Committee was a universal body in which all Member States were members, whereas the Council was an elected body and a subsidiary of the General Assembly. He asked how OHCHR viewed that issue from a long-term perspective. Member States were concerned about the duplication of reports from Special Rapporteurs and the Third Committee.

16. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the mainstreaming of human rights at the country level was a form of country engagement that had been welcomed as very effective by countries to which a human rights adviser had been deployed, and also by United Nations country teams and resident coordinators. The concept of mainstreaming had been promoted at the request of resident coordinators and United Nations country teams, usually in countries with country cooperation framework (CCF) and United Nations Development Assistance Framework (UNDAF) plans in place. There was also a particular interest in the pilot countries that had volunteered under the "One UN" strategy to ensure that the Office's work was a coherent effort to integrate human rights into the work of United Nations country teams. The work was geared to supporting countries in their reporting obligations to treaty monitoring bodies and to providing training on the ground in situations where technical cooperation was difficult to deliver from a distance.

17. There were different types of country visits, and all were conducted at the invitation of the Government. Some were carried out to attend a particular event, and others were more comprehensive, allowing for a detailed and substantive dialogue with Governments, civil society actors and United Nations colleagues. Over the previous year, she had visited four Central Asian countries, Nepal, Japan, Indonesia, Colombia, the Democratic Republic of the Congo, Burundi, Rwanda and Sri Lanka. During her recent visit to Sri Lanka, the Government had facilitated her free contact with political parties, civil society and Government officials. Sri Lanka faced challenges relating to gender, minority rights and social and economic rights. However, the most urgent challenges arose from the armed conflict, and the problem of abductions, disappearances and extrajudicial killings was already well-documented. The Office was most concerned about the current lack of credible information on those issues. Despite the efforts of various mechanisms, such as the Sri Lankan Human Rights Commission, there was a sense of uncertainty about the true scope of the phenomenon of disappearances and extrajudicial killings.

18. The Sri Lankan Government had expressed a desire for increased technical cooperation with the Office, but she had been skeptical about whether such cooperation would suffice. The best contribution that OHCHR could make to the promotion and protection of human rights in Sri Lanka, a sophisticated country with a high literacy rate and considerable capacity, would be through a presence on the ground. OHCHR could provide technical assistance and fill the gap with regard to credible information, observing and reporting on human rights violations. With regard to the division

of labour between the Human Rights Council and the Third Committee, the issue of their interplay was quintessentially an issue for Member States to decide. The question of whether the Council would become a main organ of the United Nations had been left open when it had been created and would be addressed in four years' time.

19. On the question of treaty body reform, she said that unfolding events demonstrated the urgency to review the complex human rights machinery. The entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities and its Optional Protocol had greatly increased treaty body work. The universal periodic review (UPR) would most probably lead to more ratifications and timely reporting by countries, thereby further increasing the workload. Although OHCHR could provide expertise, it was a matter for Member States themselves to envisage seriously what form the United Nations human rights treaty system would take in the future.

20. With regard to the geographical composition of OHCHR, she stressed that it was a matter of principle for the Office to be a model of cultural diversity. Being part of the United Nations Secretariat, its recruitment procedures were bound by the rules established by the Member States themselves. However, the Office had deviated from those rules when it had considered that they would affect its geographical balance. It had successfully increased its pool of applicants from outside the United Nations and applied a more rigorous selection process by means of the Galaxy system. An international human rights competition would be held in 2008, and participation would be limited to underrepresented countries. There was a definite trend, albeit slight, of an increase in professional staff from States outside the Western European and Other Groups.

21. With regard to the Subregional Centre for Human Rights and Democracy in Central Africa resources were deployed from the regular budget, and every effort had been made to provide appropriate staffing. She was confident that everything was now in place and that the Centre was operating very actively in the region. On the question of the Office's commitment to social and economic rights, she stressed that all rights should be equally advanced. The Human Rights Council had very strong mandates on issues relating to social and economic rights, such as health and housing, and the special procedures were implemented very actively in the field. Lastly, concerning its interactions with Member States, OHCHR conducted many informal briefings between major meetings in Geneva, and she felt that it would be advisable to have a similar system in New York.

22. **Ms. Sutikno** (Indonesia) thanked the High Commissioner for her visit to Indonesia and said that her meetings with representatives of the Government and civil society had contributed towards a positive dialogue. With respect to the deployment of human rights advisers to Indonesia, her delegation stressed that they should be transparent in their work and wondered if an update on meetings between the High Commissioner and those advisers might be possible. It also wished to see a better geographical distribution among staff members in the Office.

23. **Mr. Babadoudou** (Benin) said that it was important to avoid an overlapping of tasks between OHCHR and the new Human Rights Council. He asked for the High Commissioner's reaction to Benin's proposal, submitted on behalf of the Group of African States, to celebrate the sixtieth anniversary of the Universal Declaration of Human Rights.

24. **Mr. Abass** (Iraq) asked the High Commissioner how she envisaged the role of OHCHR in the realm of human rights in Iraq, following the adoption of Security Council resolution 1770 (2007) extending the mandate of the United Nations Assistance Mission for Iraq (UNAMI).

25. **Mr. Acharya** (Nepal) asked the High Commissioner for her assessment of the likely impact of the universal periodic review on the Office's work and wondered how it would be coordinated in countries where special procedures were already in place.

26. **Mr. Amorós Núñez** (Cuba) said that his delegation was pleased that steps were being taken to achieve more balanced geographical distribution among the Office's staff, but more needed to be done. Turning to the reform of the treaty bodies, he wondered how their various approaches and areas of activity could be taken into account in the reform process. Encouraged by the High Commissioner's commitment to the promotion of social and economic rights, he nevertheless wanted to know what measures could be taken by the Office to promote more directly the all-important right to development.

27. **Ms. Gendi** (Egypt) said that she was concerned, now that the Committee on the Elimination of Discrimination against Women was being transferred from New York to Geneva to be under OHCHR, that that Committee might focus on human rights to the detriment of other aspects of women's development, such as capacity-building. She asked the High Commissioner how she envisaged the division of labour between those two bodies.

28. **Ms. Nelson** (Canada) said that, given that human rights, peace and security and development were interlinked, the High Commissioner should give an update on efforts to mainstream human rights throughout the United Nations system. Canada had increased its funding to OHCHR because it fully supported its strategic management and efforts to expand its field presence.

29. **Mr. Belinga-Eboutou** (Cameroon) said that appropriate steps should be taken to comply with General Assembly resolution 61/158 concerning the Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé. That resolution requested the Secretary-General and OHCHR to provide additional funds and human resources to the Centre but, to date, no extra post had been created. He felt that there should be an item on the expenditure for the Centre in the future budget.

30. **Mr. Sáurez** (Colombia) thanked the High Commissioner for her visit to his country, when she had signed an agreement to extend the comprehensive mandate of OHCHR for three years.

31. **Ms. Abdelhak** (Algeria) said that OHCHR had visited Western Sahara and prepared a report, but it had never been submitted for consideration or published. She wondered upon which criteria that decision had been based. Her second question concerned relations between OHCHR and the Human Rights Council. Although the Commissioner submitted a report to the Human Rights Council every year, there was no ensuing interactive dialogue that would, in her delegation's opinion, enhance the commitment of Member States to the policies of OHCHR. The Algerian delegation in Geneva had proposed a revision of inter-institutional relations, and she asked the Human Rights Commissioner for her views on that proposal.

32. **Mr. Sergiwa** (Libyan Arab Jamahiriya) referred to the new universal periodic review adopted by the Human Rights Council that would make all countries subject to review, contrary to the country-specific procedure under the Commission on Human Rights. He asked how the Council would avoid the politicization that had prevailed in the Commission.

33. **Ms. Hubert** (Norway) said that she appreciated the implementation of the Office's plan of action through the Strategic Management Plan, as well as its increased country involvement and improved partnerships within the United Nations system. She wondered if there was a need to strengthen further that process through additional measures.

34. **Mr. Chabar** (Morocco) said that he regretted that the representative of Algeria had sought to politicize the discussion in referring to the Office's mission to Western Sahara. The initial terms of reference of that visit had not been respected, and Morocco had serious reservations about the report.

35. **Ms. Arbour** (United Nations High Commissioner for Human Rights), responding to the second round of questions, said that she hoped to have the opportunity of briefing Member States on the results of a forthcoming meeting to be held in Geneva with all heads of field presences. The human rights components of peacekeeping missions and human rights advisers would also be present. Her Office supported all national, regional and international initiatives highlighting the upcoming sixtieth anniversary of the Universal Declaration of Human Rights, particularly those that emphasized the universality of rights and the importance of diversity and multiculturalism. She thus welcomed Benin's initiative. OHCHR would be launching a major awareness campaign of its own in December.

36. She hoped that the security situation in Iraq would permit increased United Nations involvement. OHCHR was committed to helping the Government address the very challenging circumstances in the country as part of the integrated United Nations mission. The real test of the universal periodic review (UPR) would be in its collective implementation. An equitable treatment of all Member States in measuring compliance with human rights obligations would help address the claims of selectivity and politicization that had crippled the work of the Commission on Human Rights. The first group of countries was scheduled for review in April 2008.

37. Treaty body reform was a work in progress. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, in particular, were rightly concerned to ensure that their own specific identities and competences were preserved. In regard to the implementation of the right to development, she was pleased to report on an encouraging shift from theoretical debate towards genuine practical initiatives. The decision to transfer the Secretariat of the Committee on the Elimination of Discrimination against Women to Geneva had been fully consultative, and she was confident that the treaty body's relationship with all existing interlocutors would be preserved. The treaty body remained in charge of its own destiny.

38. Only the previous day, the Security Council had stressed the importance of continuing to combat violence against women, including in situations of armed conflict. The human rights centre in Yaoundé, Cameroon, received funding, on an exceptional basis, from the Organization's regular budget. Any decision to allocate additional extrabudgetary funds would also have to take account of other needs in the region. OHCHR would, as always, be guided by decisions of the General Assembly.

39. Her Office's proposal to submit reports on Uganda and Nepal for the consideration of the Committee had been in full compliance with the memorandums of understanding negotiated with those countries. However, she was perfectly willing to yield to the Committee's wish not to consider them at the current session. She wished to stress, however, that her Office's field presences in both Uganda and Nepal enjoyed excellent relations with the Governments concerned and that the reports in question had been made available for their comments prior to circulation.

40. Concerning the different procedure adopted with regard to the question of Western Sahara, it had been decided, on the basis of consultations with the Governments concerned, that she would deal at her discretion with the report of the small team dispatched to the Western Sahara and Tindouf, Algeria. The report had been the subject of a confidential dialogue with Algeria and Morocco; wider dissemination would have served no purpose at that time. Whereas the Commission on Human Rights had only met for one six-week annual session, the Human Rights Council met regularly throughout the year. In her capacity as High Commissioner, she presented an annual report to the Council, updated at subsequent sessions. She also held regular briefings with regional groups and made herself and her colleagues available to Council Members and non-Members for consultations.

41. **Ms. Katabarwa** (Uganda) said that she wished to reiterate that her country's Permanent Mission in Geneva had not been notified that a report on Uganda was to be tabled at the current session.

42. **Mr. Pascoe** (Under-Secretary-General for Political Affairs), introducing the report on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/62/293), said that the Department of Political Affairs had embarked on a course of major reform that would make it more field-oriented and allow for a more integrated response to political and electoral issues. Its Electoral Assistance Division had always focused primarily on the field, coordinating its work with a variety of partners. As the focal point for electoral assistance activities, he was responsible for making sure that every request for election assistance received a timely and appropriate response. He also coordinated United Nations system efforts and ensured that any advice and assistance provided was unbiased, up-to-date and tailored to the specific needs of requesting States.

43. Since its establishment 15 years previously, the Division had provided assistance to 107 Member States, including 43 in the past two years. A growing number of United Nations offices, programmes and agencies were now involved in providing electoral assistance, on the basis of an initial needs assessment mission. The United Nations Development Programme (UNDP) was the Division's primary partner in providing long-term technical assistance. Other partners included OHCHR, the United Nations Office of Project Services and United Nations Volunteers. For elections in a post-conflict setting, the Division collaborated closely with the Department of Peacekeeping Operations. The newest entity to contribute to electoral assistance was the United Nations Democracy Fund. External partners included the European Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the International Institute for Democracy and Electoral Assistance and the International Foundation for Election Systems.

44. The report also highlighted the changing nature of the electoral assistance provided by the Organization. There was more call now for assistance for local elections; gender considerations were being incorporated at all stages; and the majority of assistance was now technical, rather than consisting of electoral observation. The United Nations had been asked to certify the results of elections in three Member States, most recently in Timor-Leste. The assistance provided was also becoming more complex, as Member States sought advice on the latest electoral technologies.

45. He planned to work with relevant United Nations departments to streamline administrative, procurement and financial procedures that often inhibited the Organization's ability to respond to assistance requests. The terms of reference of the United Nations Trust Fund for Electoral Assistance had been revised. Access to flexible, immediate funding was necessary for conducting urgent electoral missions as part of conflict prevention and for ensuring long-term electoral capacity-building. Additional trust funds might also contribute to such work.

46. One priority was to computerize the United Nations electoral assistance roster and integrate it into the Nucleus/Galaxy system used for all field mission recruitment. Reference materials were currently being developed on electoral best practices, and he would be calling for a review of lessons learned in the certification of elections. Member States, for their part, must help ensure that the necessary political conditions for viable elections existed.

47. **Mr. Amorós Núñez** (Cuba) said that his delegation continued to maintain its position that electoral assistance did not fall within the mandate of the United Nations Development Programme (UNDP) and that the United Nations Fund for Democracy must take account of the views of recipient countries in the implementation of any project.

48. **Mr. Scholvinck** (Director, Division for Social Policy and Development), introducing and updating the report on the status of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/62/230), said that, only six months after its opening for signature, the Convention already had no fewer than 118 signatories, and its Optional Protocol 66 signatories. There had been seven ratifications of the Convention and three of the Optional Protocol. The adoption of the Convention represented a crucial opportunity to consolidate disability-related activities within the United Nations system. A first step might be the examination of options to improve synergy between the three main disability instruments, namely the Convention, the World Programme of Action and the Standard Rules for the Equalization of Opportunities for Persons with Disabilities.

49. The elaboration of the Convention had provided an excellent opportunity for close collaboration between the Department of Economic and Social Affairs (DESA) and OHCHR on a human rights approach to development, enabling them both to capitalize on their respective expertise. The Committee on the Rights of Persons with Disabilities would be serviced in Geneva by OHCHR, while the Conference of States Parties would be serviced in New York by the Department of Economic and Social Affairs, continuing that close collaboration during the instrument's implementation stage. Programme budget implications of the adoption of the Convention were contained in a note by the Secretary-General (A/C.5/61/15).

50. **Mr. Mbaidjol** (Director, New York Office of the High Commissioner for Human Rights), introducing the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/62/222), said that the report contained replies received from Governments focusing on the complex nature of globalization and the challenges and opportunities that it created for the promotion and protection of human rights. The report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/62/317) provided an overview of the activities carried out by the Centre from September 2006 to August 2007, which included capacity-building of Governments in the subregion through technical cooperation and advisory services, support to democratic and peace processes, public information activities and dissemination of documentation related to human rights, and the development of innovative partnerships.

51. Turning to the report of the Secretary-General on combating defamation of religions (A/62/288), he said that it contained summaries of replies received from Member States and relevant information concerning activities of OHCHR and United Nations human rights mechanisms. The report pointed out that the majority of States had constitutional provisions prohibiting

discrimination on the basis of religion with provisions enshrining the right to freedom of religion, and also noted the measures undertaken by States in the areas of criminal law, mass communications and education to combat defamation of religions. It provided an overview of the work of the United Nations human rights mechanisms and OHCHR in raising awareness of issues pertaining to freedom of religion or belief, respect for diversity and dialogue among civilizations and cultures.

52. The report of the Secretary-General on the right to development (A/62/183) updated the report of the High Commissioner for Human Rights submitted to the Human Rights Council at its fourth session in March 2007. It drew attention to the highlights of the eighth session of the Working Group on the Right to Development and to the renewal of the mandate of the Working Group and its high-level task force for a further two years. The report of the Secretary-General on human rights and unilateral coercive measures (A/62/255) summarized views and information received from Governments and their analysis of the implications and negative effects of unilateral coercive measures on their populations.

53. The report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/62/298) reaffirmed that any action taken to combat terrorism must comply with States' obligations under international law, in particular human rights, and refugee and humanitarian law, and highlighted the adoption of the Global Counter-Terrorism Strategy and plan of action as an important document that considered respect for human rights and the rule of law to be the fundamental basis of the fight against terrorism. The report recommended that States should continue to implement the Strategy, which should include a commitment to ensuring that the human rights treaties would become a full component of the counter-terrorism architecture.

54. Turning to the report of the Secretary-General on human rights and cultural diversity (A/62/254), he said that it contained summaries of replies received from Member States, relevant United Nations agencies and non-governmental organizations focusing largely on measures taken within their own States to promote cultural diversity and recommendations to further the scope of General Assembly resolution 60/167 at the international level. The report of the Secretary-General on national institutions for the promotion and protection of human rights (A/62/287) contained information on OHCHR activities to assist in the establishment and strengthening of national human rights institutions, measures taken by Governments and national institutions, support to regional activities of national human rights institutions and cooperation between those institutions and international mechanisms to promote and protect human rights. It also highlighted the increasingly important role of those institutions with regard to the treaty body system, the special procedures of the Human Rights Council and the universal periodic review mechanism.

55. Finally, the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/62/318) outlined activities undertaken by the United Nations, in particular OHCHR, to promote and protect human rights in the Democratic People's Republic of Korea. It also contained information submitted by other United Nations agencies concerning the human rights of refugees, the right to food, the rights of the child, freedom of thought and expression and equal access to information. The report further highlighted the limited progress made in implementing the measures set out in previous resolutions of the Commission on Human Rights and the General Assembly on the human rights situation in the country and recommendations addressed to the Government by special procedures and treaty bodies.

56. **Mr. Salgueiro** (Portugal), speaking on behalf of the European Union; the candidate country the former Yugoslav Republic of Macedonia; the stabilization and association process countries Montenegro and Serbia, as well as Ukraine and Moldova, said that in recent decades, the cause of human rights had gained increasing recognition and active engagement. The responsibility for addressing human rights violations around the world could no longer be ignored, and all countries faced challenges regarding their human rights records. The European Union was fully committed to the promotion and protection of all human rights and would continue to support and cooperate with all international and regional human rights mechanisms.

57. International human rights law had been reinforced with the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as the International Convention for the Protection of All Persons from Enforced Disappearance. Furthermore the adoption of the

Declaration on the Rights of Indigenous Peoples, after more than two decades of negotiations, was another achievement in ensuring the continued development of indigenous peoples around the world. The establishment of the institutional framework for the Human Rights Council had provided it with the necessary tools to deal effectively with human rights situations in the world.

58. The General Assembly, as the main United Nations body of universal composition, could not remain silent in the face of human rights violations, even if they were also addressed by the Human Rights Council. Those situations should be discussed openly and frankly in dialogue with the countries concerned, but there was a duty to call attention to and mobilize the international community to implement human rights for all. The European Union was pleased to note that an increasing number of countries had abolished the death penalty, and welcomed the abolition of the death penalty for all crimes in Rwanda. It set a powerful example to other countries around the world that a country like Rwanda, which had known terrible violence in its recent past, had taken such a step. However, the number of executions had increased in some States during the past year; any miscarriage of justice in the application of capital punishment represented an irreparable loss of human life. The European Union called on all States that still maintained the death penalty to establish a moratorium on executions with a view to its abolition.

59. The European Union reiterated its serious concerns over the continued violence and grave human rights violations in the Sudan. In Darfur, the situation remained characterized by gross and systematic human rights violations and grave breaches of international humanitarian law. He urged the Government to end impunity by bringing those responsible to justice, including through full collaboration with the International Criminal Court. It was of particular concern that an individual who had been appointed as co-chair of a governmental human rights committee had been indicted by the Court for war crimes.

60. The European Union was gravely concerned with the deterioration of the human rights situation in Sri Lanka, in particular the disturbing rise in abductions, enforced disappearance, arbitrary detention, extrajudicial killings and extortion perpetrated by the Government, the Liberation Tigers of Tamil Elaam (LTTE) and the Karuna faction. The use of child soldiers was also worrying. Perpetrators enjoyed impunity and there was a lack of protection to human rights defenders, including the press. He urged the Government to comply with international human rights standards and to cooperate fully with relevant United Nations mechanisms, allowing for impartial, transparent and effective investigations into human rights abuses that would contribute to ending impunity in the country.

61. While recalling the international commitments of the Islamic Republic of Iran, the European Union condemned its systematic human rights violations, such as the extended use of capital punishment, including against juvenile offenders, the growing use of collective and public execution and such cruel and unusual punishments as stoning, flogging and amputation. It urged the Government to end mass arrests of peaceful human rights defenders, activists, students and journalists while exercising their right to freedom of expression. The continuing climate of insecurity and impunity in the Democratic Republic of the Congo, the use of armed violence, arbitrary detention, torture, abuse of children including recruitment of child soldiers, attacks on civilians, harassment of human rights defenders and journalists, continued to be worrying. The widespread use of sexual violence was also of serious concern. The European Union expressed its support to the Independent Expert on the situation of human rights in the Democratic Republic of the Congo, and hoped that the mandate would be extended by the Human Rights Council.

62. The European Union remained extremely concerned with the human rights situation in Belarus, and regretted that the mandate of the Special Rapporteur had been discontinued by the Human Rights Council. That should not imply a lessening of attention to the human rights situation in the country, which had recently deteriorated. Recurrent threats, intimidation and illegal sentencing of non-governmental organizations and members of civil society were disturbing, and the Government of Belarus must comply with its obligations under international law. The European Union position on the human rights situation in Cuba was one of concern and encouragement of peaceful change towards a pluralistic democracy where human rights and fundamental freedoms could be enjoyed. Although it welcomed the release of a few prisoners in recent months, the

European Union urged the Cuban authorities to release unconditionally all political prisoners and to allow humanitarian access to prisons, including by the International Committee of the Red Cross. It also appealed for further cooperation with international human rights mechanisms, particularly by allowing visits by Special Rapporteurs.

63. The European Union continued to follow closely developments in Afghanistan and welcomed measures taken by the Government to promote human rights. However, it had learned with deep regret of the recent execution of 15 Afghan nationals and urged the Government to halt any possible further executions and to reconsider the de facto end to the moratorium on the death penalty. Despite all efforts, the humanitarian crisis in Zimbabwe had steadily worsened, bringing misery to millions of its ordinary citizens. The European Union had regularly condemned the continued use of intimidation, violence, arbitrary arrest and torture by the police and other security forces towards Zimbabwean citizens, in particular students, human rights defenders, opposition and civil society leaders. It regretted the systematic use of repressive legislation and its arbitrary application by the Government against the right to freedom of expression and association. Zimbabwe could have a significant impact on security and prosperity in its region, and the efforts of the Southern Africa Development Community (SADC) to facilitate talks between the Zimbabwe African National Union (ZANU) and the Movement for Democratic Change (MDC) would hopefully result in free and fair elections.

64. The European Union was highly concerned with the deepening humanitarian crisis in Iraq, which had led almost two million Iraqis to seek refuge in neighbouring countries, and commended the solidarity displayed by its neighbours, Jordan and the Syrian Arab Republic, in particular, in the face of their suffering. It underlined the importance of a continued dialogue with the countries of the region in order to improve the deplorable situation of the refugees. The consequences of the very difficult security situation on human rights and the life of the population were devastating, and the Iraqi Government must take steps to combat impunity. The invitation to the Special Rapporteur on torture to visit in 2008 was welcome.

65. In Somalia, reports of targeted killings, the inability of journalists to carry out their work without interference and the absence of a free media were of particular concern. The European Union urged all parties in Somalia to respect international human rights standards, which were an essential element of a sustainable political process and vital to commanding the support of the international community. The worsening human rights situation in the Somali region of Ethiopia was also of deep concern. The decision of the Guatemalan Congress to establish the International Commission against Impunity showed a strong commitment to fight impunity, work towards the eradication of illegal armed groups and prevent their re-emergence. The European Union remained concerned, however, at the high level of politically motivated violence in Guatemala during the electoral campaign, and underlined the importance of human rights defenders in combating a culture of impunity.

66. The European Union welcomed the efforts of the Government of Colombia to recover State legitimacy and bring peace to the country, which had seen more than 40 years of fighting between the Government, paramilitaries, armed groups and criminal gangs. It recognized the important role of OHCHR in mainstreaming human rights in conflict management in Colombia and welcomed the extension of the mandate in that country. The European Union remained deeply concerned about the protection of human rights in Uzbekistan, especially freedom of expression and assembly and the grave situation of human rights defenders, and called on the Government to cooperate fully with all relevant United Nations mechanisms. In Eritrea, the detention without charge of members of minority religious groups, journalists, leading political figures and members of civil society contravened international human rights agreements to which Eritrea was party. The European Union was also concerned at the lack of freedom of speech, religion and political expression, and urged the Government of Eritrea to comply with its international human rights obligations.

67. One of the priorities for the European Union had always been the protection of human rights defenders and the promotion of their work. It would continue to make use of its Guidelines on Human Rights Defenders to raise awareness of the importance of their work. The work to promote economic, social and cultural rights by environmental activists, trade unionists or land rights advocates, which was seldom recognized by the international community and therefore lacked the same degree of protection, should also be remembered.

68. He reiterated the European Union's firm stance regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. International law did not allow for any exceptions to that prohibition. In commemoration of the twentieth anniversary of the entry into force of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he called on all States parties to comply strictly with their obligations under the Convention. He called on all States to reject the institutionalized climate of impunity for acts of torture still occurring in many parts of the world and to bring to justice all alleged perpetrators of such acts. The European Union was also concerned at attempts to weaken the definition of torture. It remained concerned at reported cases of torture in many countries and the inhuman conditions of detention centres and prisons. The Special Rapporteur on torture played an important role in combating and preventing it, and he urged States to cooperate with his mandate and allow country visits.

69. In 2008, the sixtieth anniversary of the Universal Declaration of Human Rights would be celebrated. If the international community remained firm in its actions and devoted to its goals, the year ahead would offer an opportunity to fulfil the vision set forth in the Declaration and achieve universal freedom to live in dignity.

70. **Mr. Mac-Donald** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that several Community members had been among the signatories of the Convention on the Rights of Persons with Disabilities. The Convention was a significant step towards changing the concept of disability and ensuring global recognition that all people must be provided with opportunities to live to their fullest potential. The sixtieth anniversary of the Universal Declaration of Human Rights would be celebrated in 2008. The fact that it was widely available throughout the world and had been translated into over 300 languages was testimony to the global partnership for human rights.

71. Despite notable progress in civil and political rights, it was disappointing to note that the international community still fell short in the progressive realization of economic, social and cultural rights. CARICOM reiterated the indivisibility of all human rights. Pervasive poverty, inequalities between and within countries, the spread of disease, armed conflict, intolerance, lack of security and climate change were reminders that much remained to be done in implementation of human rights for all.

72. At the 2007 commemoration of World Food Day, the Special Rapporteur on the right to food had acknowledged that the number of people suffering from hunger had increased, despite the fact that the world had the means to make poverty history. CARICOM believed that the international community must redouble its efforts in the fight against poverty and address such serious issues as harmful trade policies, food safety and security and unfair competition. The right to health should be addressed in a holistic way, paying attention not just to medical care but to underlying causes of poor health, including access to safe drinking water and adequate sanitation. Political leaders of CARICOM countries, conscious of the critical role of health in their economic development, had committed themselves to improving the health status of their populations. CARICOM noted the ongoing work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and shared his concern at tightened national laws on asylum and immigration as a means to defend national security.

73. His region remained convinced that equal attention should be given to the impact of globalization on the full enjoyment of human rights. Globalization was not merely an economic process. The most critical issue was how globalization could be used for the promotion and protection of human rights, in particular the right to development. Finding a durable solution to the debt problems of developing countries, creating market opportunities, especially for small island developing States, fair competition rules and the democratization of international financial institutions with the participation of developing countries in decision-making could contribute to the advancement of all human rights, including economic and social rights.

74. The Member States of the Caribbean Community remained convinced of the essential contribution of human rights education to the fostering of tolerance and respect for the dignity of others. The proclamation of the World Programme of Human Rights Education reflected the growing recognition that human rights education was essential for building a universal culture of respect for human rights and to protect future

generations from their violation. They subscribed to the view that teaching young people the values of tolerance and respect would contribute to acknowledging differences.

75. CARICOM had taken note of the work of the newly established Human Rights Council, in particular its process of institution-building, encompassing universal periodic review, special procedures and the Human Rights Advisory Committee. The Council was willing to embrace the principles of universality, indivisibility, interdependence and interrelatedness of all human rights, while conducting its work in a spirit of constructive dialogue. Of equal importance were the elements of universal coverage and equal treatment of all States. CARICOM expected the Human Rights Council to deliver on its expectations of creating a more cooperative environment for the promotion and protection of human rights. Lastly, he drew attention to the CARICOM initiative to introduce a draft resolution on the bicentennial of the abolition of the trans-Atlantic slave trade and to erect a permanent memorial at the United Nations in honour of its victims.

The meeting rose at 1.25 p.m.